

March 20, 2020

Mr. Michael J. Pieranunzi, PLA
Century Engineering
10710 Gilroy Rd.
Hunt Valley MD 21031

Re: Hamm Property, 10621 Philadelphia Rd.
Forest Buffer Variance, Alternatives Analysis
Tracking No. 06-19-3053

Dear Mr. Pieranunzi:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the variance request and alternatives analysis submitted for the referenced project pursuant to Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains. This development project proposes impacts to 1.7 acres of the forest buffer, including 205 feet of stream and 0.1-acre of non-tidal wetland area, for the construction of a drive-in self-storage facility and the required infrastructure. Impacts include site access roads, stormwater management facilities, utilities, and a small portion of the parking area and building. The buffer is associated with a tributary to Honeygo Run (Use IV waters).

It is agreed that the most viable alternatives for this commercial development are the preferred alternatives. The majority of the forest buffer impacts are associated with the site access from Philadelphia Road. Due to the proximity of the Maryland Route 43 on-ramp and the location of adjacent residential properties, the applicant could not move the access farther to the southwest. With several revisions, the applicant has reduced grading within the forest buffer with the use of retaining walls, changes in stormwater management facilities, and parking lot access. By providing mitigation for the forest buffer impacts, and utilizing adequate sediment controls, the proposal can be managed to minimize water quality impacts.

This Department has determined that a practical difficulty and unreasonable hardship does exist as there could be no development without site access and the associated grading. It is acknowledged that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Based on this review, the proposed forest buffer impacts for the development of this property meet the requirements of Baltimore County Code Section 33-3-106 and Section 33-3-112 (c) (2). The approval is subject to the following conditions to minimize water quality impacts:

Mr. Michael J. Pieranunzi, PLA
Hamm Property, 10621 Philadelphia Rd.
Forest Buffer Variance
Tracking No. 06-19-3053
March 20, 2020
Page 2

1. In accordance with Section 33-3-112 (c) (2) of the Baltimore County Code, the project shall be located, designed, constructed, and maintained to provide maximum erosion protection, to have the least adverse effects on wildlife, aquatic life, and their habitats, and to maintain hydrologic processes and water quality. Following any disturbance, the impacted area shall be restored.
2. The following note must appear on all plans submitted for this project:

“On March 20, 2020, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability (EPS) pursuant to Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains to allow impacts to the forest buffer for development of this commercial property. Conditions were placed on this variance to reduce water quality impacts.”
3. The forest buffer impacts shall be mitigated by providing 3.4 acres of mitigation. Details of the mitigation proposal and other forest buffer requirements for this project must be presented in a Forest Buffer Protection Plan (FBPP). An approval for purchase of the 3.4 acres of forest buffer mitigation in an EPS approved forest buffer mitigation bank, if available, is enclosed with this letter. If unavailable, alternative mitigation options must be presented for review. The FBPP must be approved and any required security provided with the Environmental Agreement for the project prior to any permit approvals.
4. The forest buffer easements shall be permanently posted with “Forest Buffer - Do Not Disturb” signs as outlined in the FBPP required for this project.
5. The forest buffer easements, forest conservation easements, and forest buffer and forest conservation easements must be recorded in Baltimore County Land Records with the appropriate declarations of protective covenants, conditions, and restrictions.
6. The grading and sediment control plans must be reviewed and approved by this office.
7. All conditions of the variance must be completed to the satisfaction of this Department prior to any permit approvals for this project, unless otherwise stated above or in the FBPP.
8. Any required state/federal approvals for stream and wetland impacts must be received by this office prior to grading permit approval.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout or plan information may require approval of an amended variance request.

Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a

Mr. Michael J. Pieranunzi, PLA
Hamm Property, 10621 Philadelphia Rd.
Forest Buffer Variance
Tracking No. 06-19-3053
March 20, 2020
Page 3

signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL: pad

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I/We agree to the above conditions to bring this property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains:

Property Owner

Printed Name

Date